

PLANNING & ZONING COMMISSION Staff Report

REZONING REQUEST RZ 06-12

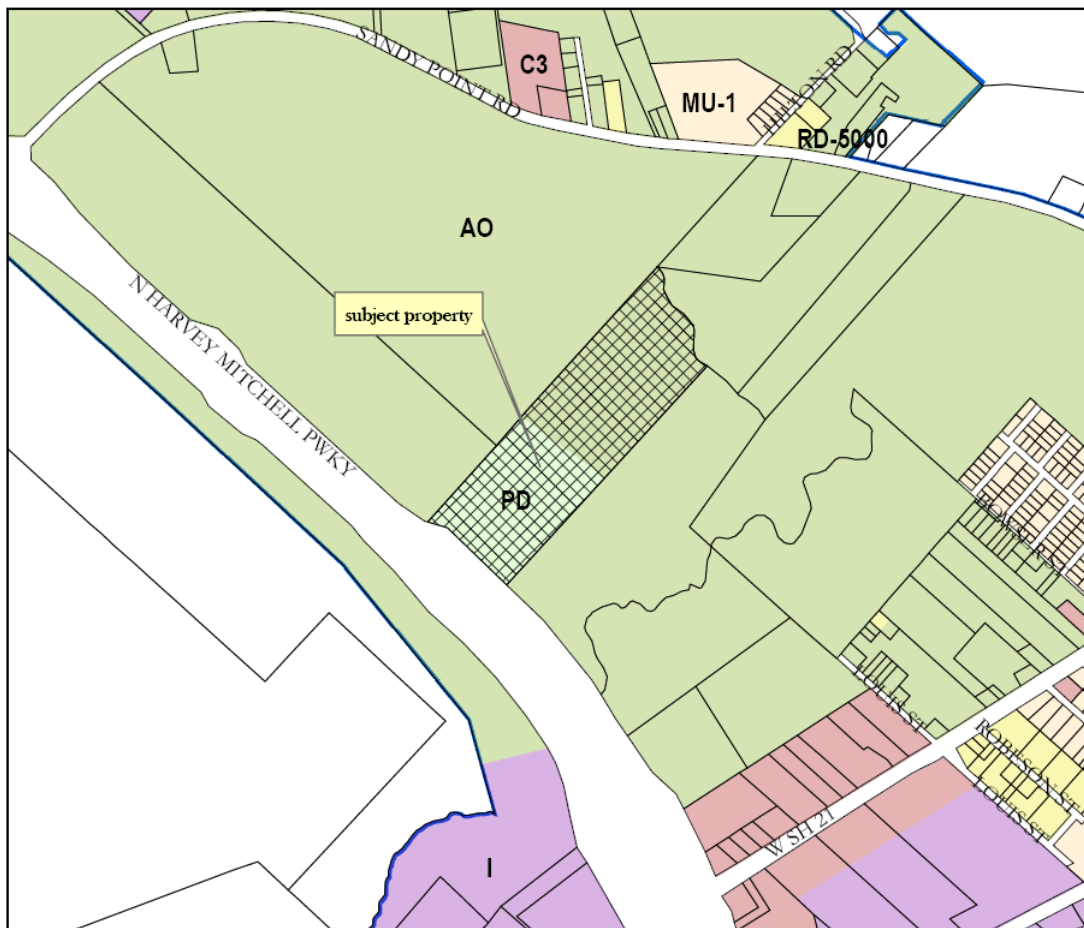
Case Summary

CASE:	rezoning request for a 34.77 acre tract currently zoned 'PD-M' Planned Development – Mixed and 'A-O' Agricultural-Open to an amended 'PD-M' Planned Development – Mixed
P&Z MEETING DATE:	June 15, 2006
STAFF CONTACT:	Beth Wilson
STAFF RECOMMENDATION:	approval

Site Data

OWNERS:	M. Lipsitz & Co.
APPLICANT:	M. Lipsitz & Co.
LOCATION:	the property is located on the east side of North Harvey Mitchell Parkway, approximately 3,800-feet south of Sandy Point Road
LEGAL DESCRIPTION:	Block 34, Lot 2.5, Stephan F. Austin League #9, A-62, Bryan, Brazos County, Texas

Vicinity Map



Analysis of Issues

Background

On October 11th, 1994, approximately 14 acres of this 34.77 acre tract was rezoned from 'A-O', Agricultural-Open to 'PD-M', Planned Development – Mixed Use to include both Commercial and Industrial Uses. The tract has never developed. At this time, the owner is requesting to amend the development plan to reflect their current needs and to include the balance of the tract, and is therefore requesting this zone change.

Rezoning Criteria

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

The proposed development plan shows approximately 27.36 acres of Commercial Use and approximately 4.8 acres of Industrial Use. The area designated for Industrial Use is set back from FM 2818 approximately 300-feet. In a letter dated May 15, 2006, the applicant has stated that the area designated for Industrial use will be developed as the office, truck parking facility and sorting area for Texas Commercial Waste. The letter also prohibits the recycling of automobiles or other ferrous scrap metal and any sexually oriented business. At present, there are no plans for the area designated for Commercial use. Staff contends that the proposed uses are appropriate for the area.

- B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

The development of this site will require the extension of a sanitary sewer line to and through the site. As with all development in the City of Bryan, this public improvement will be constructed to City standards and will be at the developer's expense.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

Currently there is little vacant land zoned for Industrial Use in the vicinity and no vacant land zoned for Commercial Use.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Staff contends that there appears to be a moderate rate of development for both Commercial and Industrial Uses.

- E. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

If the proposed zoning change were approved, staff believes there to be few, if any, affects on other areas designated for similar developments.

F. Any other factors affecting health, safety, morals, or general welfare.

Staff does not believe this proposed zone change would adversely affect health, safety, morals, or general welfare.

Staff Recommendation

Staff recommends **approving** the Development Plan amendment for this property.



P.O. BOX 645
BRYAN, TEXAS 77806
(979) 775-7171 FAX (979) 778-4661

May 15, 2006

Planning & Zoning Commission
City of Bryan
P.O. Box 1000
Bryan, Texas 77805

Dear Sirs:

Bryan Iron & Metal., Ltd., dba Texas Commercial Waste, affiliated with M. Lipsitz & Co., Ltd., in the greater Bryan area desires to explain and comment on the development plan submitted to the Planning and Zoning Commission for amendment and approval.

The approximately 34 acre parcel of land on 2818 West Bypass will be used as a home office truck parking facility, sorting of recyclable plastic, glass, paper and aluminum cans from the City of College Station curbside recycling program and from the City of Bryan drop off centers.

There will not be any type of recycling of automobiles or other ferrous scrap metal on the property. We also agree that no sexual oriented business will occupy the property.

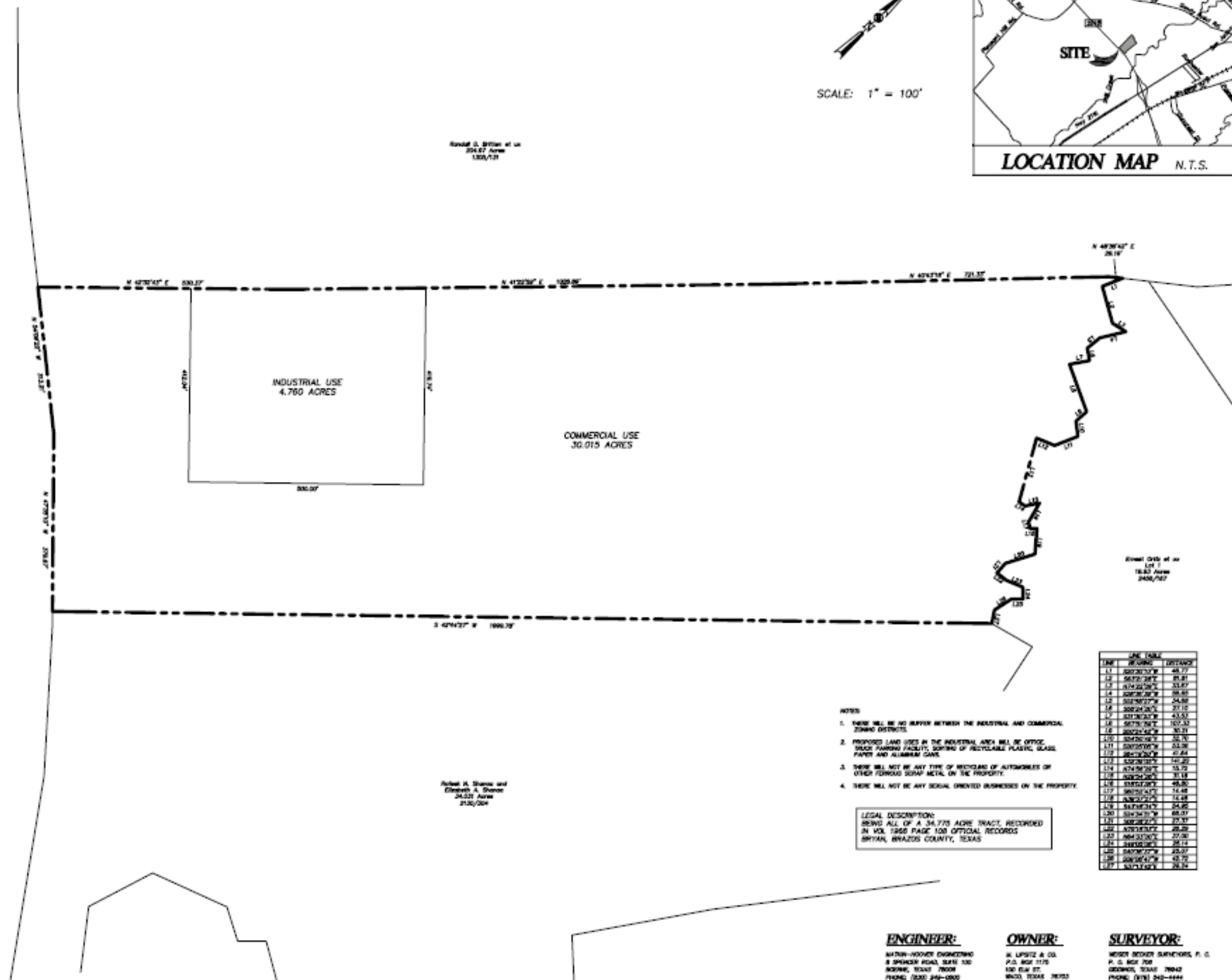
At the present time we are renting space to operate our business and our intention is to own and operate out of a company owned facility.

The favor of approval for the Texas Commercial Waste relocation will be appreciated.

Respectively,

Ron Schmidt
General Manager

F.M. 2808
(VARIABLE R.O.W.)



- NOTES:
1. THERE WILL BE NO BUFFER BETWEEN THE INDUSTRIAL AND COMMERCIAL ZONING DISTRICTS.
 2. PROPOSED LAND USES IN THE INDUSTRIAL AREA WILL BE OFFICE, TRUCK PARKING FACILITY, SORTING OF RECYCLABLE PLASTIC, GLASS, PAPER AND ALUMINUM CANS.
 3. THERE WILL NOT BE ANY TYPE OF RECYCLING OF AUTOMOBILES OR OTHER FOREIGN SCRAP METAL ON THE PROPERTY.
 4. THERE WILL NOT BE ANY SOCIAL ORIENTED BUSINESSES ON THE PROPERTY.

LEGAL DESCRIPTION:
BEING ALL OF A 34.775 ACRE TRACT, RECORDED
IN VOL. 1968 PAGE 108 OFFICIAL RECORDS
BRYAN, BRAZOS COUNTY, TEXAS

ENGINEER:
MATKIN-HOOVER ENGINEERING
8 SPENCER ROAD, SUITE 100
BRYAN, TEXAS 77808
PHONE: (254) 249-0200
FAX: (254) 249-0208

OWNER:
H. LUPATZ & CO.
P.O. BOX 1175
100 ELM ST.
WACO, TEXAS 76788
PHONE: (254) 758-6881
PHONE: (254) 752-0175

SURVEYOR:
NORRIS BODDER SURVEYORS, P.C.
P.O. BOX 708
BRYAN, TEXAS 77804
PHONE: (817) 242-4444

Rev.	
MATKIN-HOOVER ENGINEERING, INC. CIVIL ENGINEERS LAND PLANNERS CONSULTANTS P.O. BOX 54 8 SPENCER ROAD, SUITE 100 BRYAN, TEXAS 77808 PH: 832-249-0200	
PD-M DEVELOPMENT PLAN FOR TEXAS COMMERCIAL WASTE BRYAN, TEXAS	
JOB NO.	2209.00
DATE	APR 2006
DESIGNED	JAB
CHECKED	JDC
SHEET	1 OF 1